



200 One Keystone Plaza  
100 Market Street  
P.O. Box 1181  
Harrisburg, PA 17101  
717.255.1155  
Fax 717.238.0575

Thomas B. Schmidt, III  
direct dial: 717.255.1164  
schmidt@pepperlaw.com

January 31, 2007

Via Electronic Case Filing System

Office of Clerk of Court  
United States District Court  
Middle District of Pennsylvania  
Federal Building  
Harrisburg, Pennsylvania 17108

Re: Medical Technology and Innovations, Inc. v. Lenscrafters, Inc. and Luxottica Group  
Case No. 1:CV-00-494 (CLOSED)

Dear Sir/Madam:

We represent both Defendants in this action. We write in response to the Clerk's Order of January 24, 2007, directing that:

No later than 1/31/07, counsel for Plf, . . . shall inform the court if Doc. #33 can be unsealed and counsel for Dfts . . . shall inform the court if Docs #36 and 37 can be unsealed.

As a preliminary matter, Plaintiff's counsel has acknowledged in writing that any interest in sealing document 33 lies exclusively with Defendants. (See attached email dated January 24, 2007.) We therefore address the status not only of documents 36 and 37, but also of document 33, notwithstanding that document 33 was filed by Plaintiff.

Documents 33, 36 and 37 were filed under seal upon a satisfactory showing that they contained trade secrets and other commercially sensitive, proprietary information, whose publication would have been deleterious to the interest of the Defendants, and which therefore, in line with established Third Circuit case law, were entitled to be sealed. There has been no material change



Office of Clerk of Court  
January 31, 2007  
Page 2

in that position since the date of sealing. Accordingly, Defendants request that each of documents 33, 36 and 37 remain under seal.

Moreover, given that this case is now terminated, Defendants further respectfully request permission to retrieve each of documents 33, 36 and 37 from the Court file.

Respectfully,

*/s/ Thomas B. Schmidt, III*

Thomas B. Schmidt, III

(Attachment)

cc: Joseph F. Roda, Esquire (w/attachment)

**Sottile, Marianne**

**From:** Eric Keepers [ekeepers@rodanast.com]  
**Sent:** Wednesday, January 24, 2007 4:20 PM  
**To:** Schmidt III, Thomas B.  
**Subject:** Activity in Case 1:00-cv-00494-YK Medical Technology a v. Lenscrafters, Inc., et al "Docket Annotation"

**From:** Eric Keepers  
**Sent:** Wednesday, January 24, 2007 4:09 PM  
**To:** 'tinelson@skadden.com'; 'tschmidt@pepperlaw.com'  
**Cc:** Sheila Stephenson  
**Subject:** FW: Activity in Case 1:00-cv-00494-YK Medical Technology a v. Lenscrafters, Inc., et al "Docket Annotation"

Messrs. Nelson and Schmitt: Please advise whether either of you still represent LensCrafters or Luxottica. We have received an inquiry from the federal district court for the middle district of Pennsylvania regarding the unsealing of MTI's supplemental brief in opposition to Luxottica's motion to dismiss for lack of personal jurisdiction. (See below). We did not yet represent MTI at that time, but I assume it was filed under seal pursuant to a confidentiality stipulation that LensCrafters requested. Thus, if either of you are still associated with LensCrafters or Luxottica, I need to know whether either has any objection to the unsealing of this document. Thank you.

**From:** PAMDEfilingstat@pamd.uscourts.gov [mailto:PAMDEfilingstat@pamd.uscourts.gov]  
**Sent:** Wednesday, January 24, 2007 2:27 PM  
**To:** pamd\_ecf\_nef@pamd.uscourts.gov  
**Subject:** Activity in Case 1:00-cv-00494-YK Medical Technology a v. Lenscrafters, Inc., et al "Docket Annotation"

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**Middle District of Pennsylvania**

Notice of Electronic Filing

The following transaction was received from sc, entered on 1/24/2007 at 2:27 PM EST and filed on 1/24/2007

**Case Name:** Medical Technology a v. Lenscrafters, Inc., et al

**Case Number:** 1:00-cv-494

**Filer:**

**WARNING: CASE CLOSED on 07/28/2005**

**Document Number:**

**Docket Text:**

No later than 1/31/07, counsel for Pltf, Medical Technology and Innovations, Inc. shall inform the court if Doc. #33 can be unsealed and counsel for Dfts LensCrafters, Inc. and Luxottica Group shall inform the court if Docs #36 and 37 can be unsealed. (sc)

The following document(s) are associated with this transaction:

1/31/2007